

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED
JUN 18 2025
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

**JOSE CONTRERAS,
Plaintiff,**

v.

**U.S. DISTRICT COURT,
Defendant.**

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Case No. AU-25-CV-0107-AM

ORDER

Before the Court is the Report and Recommendation of the Honorable Dustin M. Howell, United States Magistrate Judge. (ECF No. 4.) On January 23, 2025, the Court referred this matter to Judge Howell pursuant to the Standing Order on Court Docket Management for Austin Division. Judge Howell now recommends dismissing the Plaintiff's cause of action. (ECF No. 4.) No party timely objected. Upon review, the Court **ADOPTS** the Report and Recommendation.

I. BACKGROUND

The Plaintiff filed his Complaint [ECF No. 1] in conjunction with a Motion to Proceed *In Forma Pauperis* [ECF No. 2]. The Plaintiff seeks to sue the United States District Court for \$10,000,000 in damages under the Seventh and Fourteenth Amendments for dismissing his previous suit, Case No. AU:24-cv-00847. (ECF No. 1.) Additionally, the Plaintiff detailed his financial condition in the Motion to Proceed *In Forma Pauperis* to demonstrate his inability to pay the filing fee. (ECF No. 2.) Relevantly, the Plaintiff has filed various civil proceedings. *See Contreras v. Weaver et al*, Case No. AU:24-cv-0847-RP (dismissed with prejudice); *see also Contreras v. APD et al*, Case No. AU:25-cv-0083-RP (dismissed with prejudice); *Contreras v. Foye et al*, Case No. AU:25-cv-0254-RP (dismissed with prejudice).

II. STANDARD OF REVIEW

Parties may object to the proposed findings and recommendations of a Magistrate Judge within fourteen days after service of the Report and Recommendation. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). Objections to Judge Howell’s Report and Recommendation were due March 5, 2025. No party filed objections to Judge Howell’s Report and Recommendation. Thus, the Court need not conduct a de novo review of the pending matter. *Douglass v. United Servs. Auto. Ass’n.*, 79 F.3d 1415, 1428 (5th Cir. 1996). Rather, the Court need only to review the report and recommendation to determine whether it is erroneous or clearly contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

III. ANALYSIS

Judge Howell granted the Plaintiff’s motion to proceed *in forma pauperis* and subsequently reviewed the merits of the Plaintiff’s Complaint. (ECF No. 4.) Under 28 U.S.C. § 1915 (e)(2)(B), the court “shall dismiss the case at any time if the court determines that . . . (B) the action or appeal—(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” Judge Howell correctly determined that since the Plaintiff’s claims arise from judicial actions taken in prior court proceedings, the U.S. District Court is entitled to judicial immunity. (ECF No. 4.) Additionally, Judge Howell properly found the Plaintiff’s complaint frivolous. (*Id.*)

The Report and Recommendation calls for dismissing the claims against the U.S. District Court. (*Id.*) The Court has reviewed Judge Howell’s Report and Recommendation and finds neither clear error nor any finding or conclusion contrary to law.

IV. CONCLUSION

Accordingly, the Court **ADOPTS** Judge Howell's Report and Recommendation [ECF No. 4]. The Plaintiff's claims against the United States District Court are **DISMISSED WITH PREJUDICE**.

Moreover, this Court **WARNS** the Plaintiff that he may be subject to sanctions, including monetary sanctions or a pre-filing injunction barring him from filing future suits, if he continues to file frivolous claims and otherwise abuse his access to the judicial system.¹

It is further **ORDERED** that the Clerk of Court shall administratively close this cause of action.

SIGNED and ENTERED on this 18th day of June 2025.

A handwritten signature in black ink, appearing to read 'Alia Moses', is written over a horizontal line.

ALIA MOSES
Chief United States District Judge

¹ *In re Stone*, 986 F.2d 898, 902 (5th Cir. 1993) (A court possesses the inherent power “to protect the efficient and orderly administration of justice,” including “the power to levy sanctions in response to abusive litigation practices.”); *see also McAfee v. 5th Cir. Judges*, 884 F.2d 221 (5th Cir. 1989) (discussing the appropriateness of sanctions for a pro se litigant with a history of filing frivolous suits); *Baum v. Blue Moon Ventures*, 513 F.3d 181, 187 (5th Cir. 2008) (“[a] district court has jurisdiction to impose a pre-filing injunction to deter vexatious, abusive, and harassing litigation.”).